

1-1 By: Gallegos S.B. No. 2558  
1-2 (In the Senate - Filed April 24, 2009; April 24, 2009, read  
1-3 first time and referred to Committee on Business and Commerce;  
1-4 May 11, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 9, Nays 0; May 11, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2558 By: Watson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the promotion and marketing of alcoholic beverages.  
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Chapter 108, Alcoholic Beverage Code, is amended  
1-13 by adding Subchapter D to read as follows:  
1-14 SUBCHAPTER D. PROMOTIONAL EVENTS  
1-15 Sec. 108.101. PRODUCT INSTRUCTION EVENTS. (a) In this  
1-16 section, "product instruction event" means a prescheduled public or  
1-17 private event for the purpose of promoting one or more malt  
1-18 beverages the sale of which is authorized in this state during which  
1-19 the license or permit holder provides instruction to consumers and  
1-20 retailers' employees of legal drinking age on the history, quality,  
1-21 characteristics, presentation, or serving of the malt beverages by:  
1-22 (1) allowing the consumers and employees to taste the  
1-23 malt beverages; and  
1-24 (2) informing the consumers and employees about the  
1-25 types of food with which the malt beverages could be paired.  
1-26 (b) Notwithstanding Section 102.07, 102.14, 102.15, or  
1-27 108.06, or any other provision of this code, a holder of a  
1-28 manufacturer's license, nonresident manufacturer's license,  
1-29 brewer's permit, nonresident brewer's permit, nonresident seller's  
1-30 permit, general distributor's license, local distributor's  
1-31 license, wholesaler's permit, Class B wholesaler's permit, agent's  
1-32 beer license, agent's permit, or manufacturer's agent's permit, or  
1-33 the license or permit holder's agent, representative, or employee,  
1-34 may, in order to promote the license or permit holder's malt  
1-35 beverages, conduct product instruction events:  
1-36 (1) at the premises of a retailer holding a license or  
1-37 permit to sell alcoholic beverages for on-premises or off-premises  
1-38 consumption; and  
1-39 (2) on a brand-identified promotional vehicle that is  
1-40 owned, rented, or leased by the license or permit holder conducting  
1-41 the event while the vehicle is located on the premises of a retailer  
1-42 described by Subdivision (1).  
1-43 (c) A product instruction event must be conducted during  
1-44 normal business hours and may not exceed four hours in length.  
1-45 (d) The license or permit holder conducting a product  
1-46 instruction event may open, touch, pour, and serve only malt  
1-47 beverages that the license or permit holder manufactures or is  
1-48 authorized to distribute.  
1-49 (e) The license or permit holder conducting the product  
1-50 instruction event must purchase all malt beverages used in the  
1-51 event from the retailer. The retailer may not charge the license or  
1-52 permit holder more than the price the retailer charges a consumer  
1-53 for the beverages.  
1-54 (f) A product instruction event may be prearranged with and  
1-55 preannounced to a retailer. A product instruction event may not be  
1-56 preannounced to a consumer.  
1-57 (g) A retailer may host not more than two product  
1-58 instruction events each calendar year.  
1-59 SECTION 2. This Act takes effect September 1, 2009.

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